

# Exhibit A



## Civil Court of the City of New York

County of NY

Part

Index Number CV-021064/16Motion Cal. # 22Motion Seq. #     

## DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers

considered in the review of this Motion:

## Papers

## Numbered

Notice of Motion and Affidavits Annexed.....

Order to Show Cause and Affidavits Annexed.....

Answering Affidavits .....

Replying Affidavits.....

Exhibits .....

Other.....

Claimant(s)/Plaintiff(s)/Petitioner(s)

against

Angela Pauli and Robert Pauli, Jr.

Defendant(s)/Respondent(s)

Upon the foregoing cited papers, the Decision/Order on this Motion to

is as follows:

Defendants' motion to vacate/dismiss is granted, on default.The Court notes that this motion has been adjourned several times at Plaintiff's request to allow for opposition, but that none has been filed.

Substantively, however, Defendants' motion entitles them to dismissal because Plaintiff discontinued an identical action with prejudice on October 12, 2016, just more month before this action was filed (compare Defs Exhs A and D; Exh C). A discontinuance with prejudice must be enforced lest parties be permitted to duplicate actions at the mere cost of an additional index number. Accordingly, it is hereby ORDERED that (1) the judgment is vacated; (2) the action is dismissed with prejudice; (3) any and all restraints shall be lifted; (4) all funds garnished pursuant to this judgment shall be returned within 10 days of receipt of this order; and

Date

Judge, Civil Court

HON. DAKOTA RAMGEUR

(5) Defendants shall serve this order upon Plaintiff within 10 days.